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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,022	10/29/1999	JOHN E. DONOHUE	500.723US1	9521

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FOGG AND ASSOCIATES, LLC  
P.O. BOX 581339  
MINNEAPOLIS, MN 55458-1339

EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/432,022

Applicant(s)

DONOHUE, JOHN E.

Examiner

Pankaj Kumar

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 15-22.Claim(s) objected to: 4-7, 9 and 13.Claim(s) rejected: 1, 2, 3, 8, 10-12, 14, 23-31.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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Claim 7 should have been indicated as an objected claim since it was indicated to have allowable subject matter in the prior action and there is no 112 rejection for this claim.

35 USC 112 rejections are withdrawn for claims 8-14 as well as for claim 28 (which lacked antecedent basis) based on applicant's amendment and argument.

35 USC 112 rejections are maintained for claims 23-31 since there is confusion as to the relationship between 'input data' and 'input signal'.

The interruption in the output of the VCO causes interruption of at least one input of the phase comparator.

Even if the cited quote from Abe is discussing figure 4, the elements being relied on in this part of the office action (i.e. primarily VCO and phase comparator) are the same between figures 4 and figure 1 and therefore it is appropriate to analogize the discussion of figure 4 with the analogical counterpart elements of figure 1.

Applicant argues on page 11 that the interrupting of the VCO output interrupts a feedback signal which goes into the phase comparator and the VCO output is not the input signal and therefore does not meet the claim limitations. This argument is not persuasive since, as Abe discusses, the difference between the input signal and feedback signal becomes 0 as time progresses. Thus, in Abe, the value of the input signal and the feedback signal is the same as time progresses. Accordingly, as time progresses, if the feedback signal is interrupted, the input signal is also interrupted.

Applicant argues on page 12 that the output of the capacitor is going to some other element and not to the input of the phase comparator and that "... any interruption of the output of these capacitors would not be an interruption to an input signal received by a differential phase detector as recited in claim 1 ...". This argument is not persuasive. The output of the capacitors is feedback to the input. As time progresses, the feedback signal is equal to the input signal in the phase comparator. Thus, the output of the capacitor is going to the input of the phase comparator through other components and accordingly, if the output of capacitor is interrupted, the input to the phase comparator will also be interrupted.

Applicant's argument on page 13 is not persuasive since the lines in figure 3 are affected by the input signal into the phase comparator and these same lines also affect the output of the VCO.

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Applicant's argument on page 14 is not persuasive. Applicant argues that the claim reads that the amplifier input is decoupled when the input signal to the phase detector is interrupted; however, the claim does not necessarily read this way. The claim says, "... wherein the electronic selector circuit decouples the amplifier input from the differential input ..." and it goes on to say "... and holds the output frequency of the voltage controlled oscillator to a last received signal from the differential output when the input signal to the phase detector is interrupted." Thus the claim is saying that when the input signal to the phase detector is interrupted, the output of the VCO is held and not that the electronic selector circuit decouples the amplifier input from the differential input.

M. Ghayour  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER